IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH JULY 2007 / 29TH ASHADHA 1929

Crl.MC.No. 7171 of 2002(B)

CC.884/1998 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM
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PETITIONER: 3ND ACCUSED

MR.SREEDHARA MENON,
DOOR NO.XXI/43, SREENILAYAM, PANDIKASALAPARAMBU,
THRIPUNITHURA, ERNAKULAM.

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS: COMPLAINANT/ 1ST ACCUSED
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1. **MR.T.K.BAIJU,**
   PUTHOORAM VEEDU, PUNITHURA, ERNAKULAM DISTRICT.

2. **MR.SIVAPRAKASH S., S/O.SREEDHARA MENON,**
   DOOR NO.XXI/43, SREENILAYAM,PANDIKASALAPARAMBU,
   THRIPUNITHURA, ERNAKULAM.

BY ADV. SRI.A.BALAGOPALAN
SRI.PRAKASH P.GEORGE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.MC. NO.7171/2002

ORDER ON CRL.MP. 5522/2002 IN CRL.MC.7171/2002

DISMISSED

19.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

tss

K.R.UDAYABHANU, J

Crl.M.C.No.7171 of 2002

Dated this the 19th day of July, 2007

O R D E R

The petitioner who is the second accused in C.C.No.884/98 in the file of Additional CJM, Ernakulam with respect to the offence under Section 138 of the Negotiable Instruments Act has sought for getting quashed the proceedings against him as he is not at all involved in the alleged occurrence.

2. Annexure 1 is the copy of the complaint. It can be seen that it is A1, the son of the petitioner, who has allegedly executed the cheque which was dishonoured for want of funds in the account of the accused. The petitioner/second accused having not executed the cheque evidently cannot be implicated for the offence under Section 138 of the Negotiable Instruments Act. Hence, the proceedings initiated against the second accused in C.C.No.884/98 is herewith quashed.

The Crl.M.C. is allowed.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.A.No.216/2001

JUDGMENT

17th July 2007